

REMARKS/ARGUMENTS

Claim 1 remains pending in this application. Applicant has amended claim 1 and added claims 2 through 34. Applicant submits that new claims 2 through 34 are fully supported by the specification and figures as originally filed, and that claims 2 through 34 do not add new matter. Consideration and examination of pending claims 1-34 is respectfully requested.

I. Claim for Priority

The Examiner states that Applicant has not complied with one or more conditions for obtaining the benefit of an earlier filing date under 35 U.S.C. 120. Applicant has amended the specification to meet those conditions by reciting that the present application is a continuation of Application Ser. No. 10/183,962, filed on June 26, 2002, now issued as U.S. Patent No. 6,845,293.

II. Claim Rejection Under 35 U.S.C. § 101

The Examiner has rejected claim 1 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner states that all of the recited steps can be performed in the mind of the user or by use of a pen and paper. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 comprises multiple elements that cannot be performed within the mind of a user. For example, obtaining passenger baggage in a passenger baggage collection facility and delivering passenger baggage to a destination address are activities involving concrete elements, and cannot be performed in one's mind or using a pen and paper. For this reason, Applicant submits that claim 1 represents statutory subject matter as set forth in 35 U.S.C. 101. The Examiner's rejection is respectfully traversed.

III. Rejection of Claim 1 Under 35 U.S.C. § 102

The Examiner has rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Golf Bag Shipping (GBS), as set forth on the Internet at the website address *www.golfbagshipping.com*. Applicant respectfully disagrees.

As amended, claim 1 recites *providing an optimal shipping plan for transporting said baggage to said destination address*. GBS does not teach or suggest, let alone anticipate providing an optimal shipping plan. For at least this reason, claim 1 is allowable over the cited art.

In addition, the Examiner has cited to the GBS website, with the sole date information provided being the archive date of August 16, 2004. The Examiner's citation to GBS fails to satisfy MPEP 707.05 requirements for electronic

documents (e.g., no publication date is provided). Applicant submits that the missing elements of the citation to GBS are substantive, underscoring the fact that the Examiner's burden of providing prima facie evidence of anticipation has not been met.

Applicant submits that the Examiner has not established a prima facie case for anticipation because the August 16, 2004 date is subsequent to the actual filing date of the present application, i.e., April 15, 2004. Further, the present application is a continuation application claiming priority back to June 26, 2002. Thus, the Examiner has not established a GBS publication date appropriate to qualify the cited reference as prior art. Applicant submits that the current rejection under 35 U.S.C. 102 is therefore improper.

For at least the foregoing reasons, Applicant submits that claim 1 is allowable over the cited art.

IV. Conclusion

Applicant submits that claims 1-34 are in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450:

Todd N Snyder May 16, 2005
Signature: Todd N. Snyder Date